

REMARKS/ARGUMENTS

Responsive to the Official Action mailed January 25, 2006, applicants have amended the claims of their application in an earnest effort to place this case in condition for allowance. Specifically, independent claim 1 has been amended, and new claim 22 added. Reconsideration is respectfully requested.

Applicants note the Examiner's withdrawal of his previous rejection under 35 U.S.C. §112, and the double-patenting rejection in view of U.S. Patent No. 6,675,429. Applicants further acknowledge with appreciation the Examiner's withdrawal of his rejection based upon the commonly-owned U.S. Patent Publication No. 2003/0104745, to Curtis, as well as withdrawal of the rejection under 35 U.S.C. §103 over U.S. Patent No. 5,369,858, to Gilmore et al., in view of U.S. Patent Publication No. 2001/0055926, to Fereshtekhou et al.

In the Action, applicants note that the Examiner has rejected the presently pending claims for obviousness-type double patenting, referencing commonly-owned co-pending application No. 10/206,271. Applicants submit a Terminal Disclaimer herewith, referencing this commonly-owned application, and it is believed that this rejection can now be withdrawn.

In rejecting the pending claims under 35 U.S.C. §102 and §103, the Examiner has relied upon commonly-owned U.S. Patent No. 6,675,429, to Carter et al., and the Fereshtekhou et al. publication. Applicants note that in Paragraph 5 of the Action, the Examiner has rejected the claims under 35 U.S.C. §103, with reliance upon the Gilmore et al. and Fereshtekhou et al. documents, but it is noted that in Paragraph 001 of the Action, the Examiner has indicated that this rejection has been withdrawn, in light of the acknowledged deficiency in the teachings of the Gilmore et al. reference.

The Carter et al. (6,675,459) reference does not appear to anticipate the current invention. The Carter et al. reference appears to make no mention of surface projections that are wave-like in form. Further, Carter et al. doesn't appear to mention the improved performance associated with surface projections that are wave-like in form, which include providing air passage ways necessary for lather propagation and better cleansing performance for sensitive skin areas, such as the eyelids.

In addition, the Carter et al. reference would appear to be unrelated to the current invention. Carter et al. seems to make no mention of using the fabric for cleaning applications. Instead, the Carter et al. reference is directed to a fabric suitable for applying faux paint finishes to walls and it is easily cleanable by rinsing with water, as stated in the Abstract. Further, Carter et al. is directed toward a nonwoven fabric that facilitates the application of a faux painting technique to a wall, as described in column 7, lines 15-28.

The Fereshtekhou, et al. (20010055926) published application does not appear to anticipate the current invention either. The process used in the '5926 application does not create surface projections that extend from the fibrous support plane. The fabric described in Fereshtekhou paragraph [0105] states, "The second layer is contracted relative to the first and the third layer to provide a gathered, macroscopically three dimensional outward surface of the first layer, and a gathered, macroscopically three dimensional outward surface of the third layer." The gathering that occurs in the Fereshtekhou fabric would not be considered equivalent to the surface projections extending from the fibrous support plane of the current invention. This is because the Fereshtekhou et al. reference is utilizing a subsequent surface altering process to modify a preformed planar fabric and the entire fabric includes undulations

in the z-direction, while the current invention does not include undulations. The current invention includes surface projections, which are wave-like in form, that are imparted by manipulating the fibers during the hydroentangling process. In the current invention, the fibers actually extend from the fibrous support surface to create surface projections.

As acknowledged by the Examiner in Paragraph 1 of the Official Action, Gilmore et al. reference (5,369,858) teaches away from the current invention. The Gilmore et al. reference teaches an apertured fabric, as well as a fabric that may have higher area densities and lower area densities (see Abstract). The current invention is not an apertured fabric. Gilmore, et al. further describes the areas of higher and lower densities in column 7, lines 27-32, wherein it is stated, "...a fabric having regions of higher area density and regions of lower area density may be obtained rather than a fabric having clean apertures. "It is also explained in Gilmore et al. that the higher and lower density areas are a result of the degree and strength of the bonding in the fabric as described in Col.11, lines 3-13. In addition, the Gilmore et al. reference makes no mention of surface projections that extend from the fibrous support plane in a wave-like form. Further, Gilmore makes no mention of the percent thickness of the high density areas in relation to the overall support plane. In contrast, the current invention requires a nonwoven fabric having surface projections extending from a fibrous support plane, wherein the fibrous surface projections are at least 25% of the thickness of the overall support plane, and wherein the fibrous surface projections are wave-like in form and form air passageways parallel to the fibrous plane.

The Fereshtekhou et al. (20010055926) published application teaches away from the current invention as well. As previously noted, this published patent application makes no

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mention of surface projections that extend from the fibrous support plane in a wave-like form. This application addresses a layered substrate with gathered out surfaces [see paragraph 0105] and does not mention surface projections as an extension of the support plane in any regard.

Even if Gilmore et al. and Fereshtekhou et al. were combined, one skilled in the art would not achieve the fabric of the current invention. The fabric of the combined references would include areas of higher and lower densities that were gathered three dimensionally. The fabric of the combined references is unrelated to the current invention, since the current invention is directed to a cleansing fabric having surface projections that are wave-like in form and extend from the fibrous support plane.

In view of the foregoing, formal allowance of claims 1-15 and 18-22 is believed to be in order and is respectfully solicited. Should the Examiner wish to speak with applicants' attorneys, they may be reached at the number indicated below.

The Commissioner is hereby authorized to charge any additional fees which may be required in connection with this submission to Deposit Account No. 23-0785.

Respectfully submitted,

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I hereby certify that this Amendment is being deposited with the United States Postal Service "Express Mail Post Office To Addressee" service under 37 CFR 1.10 addressed to Commissioner of Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, Express Mail Label No. EV 843641017 US on **July 25, 2006**.

A handwritten signature in black ink, appearing to read 'Colleen Davison', is written over a horizontal line.

Colleen Davison